

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

In re Application of:  
**Mosier et al.**

Group Art Unit: 1751

Serial No.: 09/921,238

Examiner: K. Vijayakumar

Filed: August 2, 2001

Title: **Transesterification Composition of  
Fatty Acid Esters, and Uses Thereof**

Docket No.: 0468FV.44178

**DECLARATION OF DR. FRED MASSEY REGARDING SUCCESS IN SUPPORT OF  
RESPONSE TO OFFICE ACTION**

I, Dr. Fred Massey, state the following, of which I have personal knowledge:

1. I am the President of MJ Research and Development ("MJ Research") and I maintain an office at 5607 Candlewood, Houston, Texas. I have been with MJ Research since 2001 and I have held this position during this time. I am familiar with the disclosure in the above-identified patent application.
2. I am familiar with the marketing efforts of MJ Research in connection with the composition that is the subject of the above identified patent application and I am knowledgeable about the market of automotive lubricants and heat exchanger fluids.
3. I am not a named inventor of the subject application.
4. There has been a long recognized need in the industry for a lubricant that does not fail at high pressures as prior art lubricants frequently fail at high pressures.
5. To address the problem of failure at high pressure, the industry has historically and continues today to attempt to use halogenated or sulfonated compounds to obtain better extreme pressure benefits, but use of these compounds often exhibits severe corrosive reactions within mechanical systems. This shortcoming of the prior art is overcome in the current invention.

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6. The composition of the current invention ("Composition") addresses both the failure of prior art lubricants at high pressures and the corrosive reaction issue. The industry has recognized that the Composition successfully overcomes these long-felt needs.

7. The product sales have increased more than 100 fold in the last two years.

8. MJ Research has experienced significant success in the very short time in which sales have been made as a result of addressing these long felt needs. MJ Research has recently acquired a five year contract with the world's largest company for remanufacturing components of auto compressors (the "Company"). The Company indicated that they were looking for a lubricity additive for greater longevity to reduce warranty repairs. After substantial and lengthy testing undertaken by the Company and MJ Research in a standard facility against the industry standards, MJ Research's Composition was selected as the sole product for use by the Company. Friction reduction and coefficient of performance were tested with very positive results.

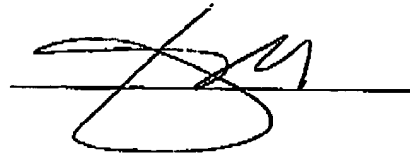
8. In my opinion, the reason why the Composition has vaulted from start-up to a multi-million dollar revenue producing product is a reflection that the industry has a long-felt need that could not be addressed by the myriad of lubricants on the market and that the Composition of the above-identified application is superior and non-obvious.

9. I have authorized testing of the MJ Research invention disclosed in the above-identified patent ("Thermolube composition"). I have authorized the creation of the Sturwold composition as described in the Sturwold patent example. I have authorized a comparison of the Sturwold composition and the Thermolube composition. Falex Pin and Vee Block Test Reports are attached. Run ID 504 demonstrates the test run with the Sturwold composition. Run ID 505 demonstrates the test run with the Thermolube composition. I have conducted investigation to ensure that the test results accurately reflect the tests conducted. The test results show extremely significant differences in the failure load with each composition. Enclosed are the summaries of each test run.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated:

7/11/2006

A handwritten signature in black ink, consisting of a stylized 'F' and 'M' combined, written over a horizontal line.

Dr. Fred Massey

**Falex Pin and Vee Block Test Report****Sample Composition**50MB55 + 5% Thermolube  
(UCON PAG)Run ID 505Request Date - 3/27/06Run Date - 3/27/06Test Method/Condition - 3233ARun-in Time - 5 mins.Starting Temp - 120 °F

LOAD lbf	Torque, lb-in		Elapsed time min	Temperature F	Observations
	beginning	End			
300	11.0	8.8		120	
500	11.9			149	
750	23.7				
1000	32.7				
1250	41.1				
1500	47.8				
1750	53.1				
2000	57.4				
2250	59.6				
2500	60.3				
2750	61.0				
3000	60.5				
3250	F				
3500					
3750					
4000					
4250					
4500					

EP Failure Load - 3000 lbf.Comment - Sturwold patent example

PAT. # 4,067,817

Tested By John B. McElroy JrReport Date: 3/27/06

PAG = Poly Alkylene Glycol

**Falex Pin and Vee Block Test Report****Sample Composition**50 HB55 + 5% #61  
(Ucon PAG)Run ID 504Request Date - 3/27/06Run Date - 3/27/06Test Method/Condition - 3233ARun-in Time - 5 minsStarting Temp - 120°F

LOAD	Torque, lb-in		Elapsed time	Temperature	Observations
lbf	beginning	End	min	F	
300	10.6	7.3		120	
500	10.6			145	
750	15.9				
1000	25.8				
1250	F				
1500					
1750					
2000					
2250					
2500					
2750					
3000					
3250					
3500					
3750					
4000					
4250					
4500					

EP Failure Load -

Comment - Sturwold Patent example

PAT.# 4,067,817

PAG = PolyAlkylene Glycol

Tested By J. B. BrackeReport Date: 3/27/06DEPT. OF CHEM  
MS 3255  
COLLEGE  
77243